

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 14581 of Arthur and K.L. Auerbach, pursuant to Sub-section 8207.2 (3108.1, DCMR 11) of the Zoning Regulations, for a special exception under Paragraph 3101.42 (216.1, DCMR 11) to permit the continued use of the property as the office of a non-profit organization and for a special exception under Sub-section 7205.4 (2116.5, DCMR 11) to provide seven accessory off-street parking spaces on another lot at 1419 V Street, N.W., (Square 203, Lot 93) in an R-5-B District and to permit offices of the Green Door in the R-5-C District at premises 1623 - 16th Street, N.W., (Square 193, Lot 145).

HEARING DATE: April 22, 1987  
DECISION DATE: May 6, 1987

FINDINGS OF FACT:

1. As a preliminary matter, the Residential Action Coalition (RAC) raised three procedural issues at the public hearing. First, the representative from RAC argued that the case was improperly brought under Sub-section 3101.42 (216.1, DCMR 11). She argued that the case should be considered under the provisions governing community based residential facilities. Second, RAC argued that the Board lacked the authority to grant the special exception under Sub-section 7205.4 (2116.5, DCMR 11) to authorize accessory off-street parking spaces at 1419 V Street, N.W. Finally, RAC argued that the complete record for the case was not available for public inspection prior to the public hearing. The Board finds that the proposed use is not a residential facility, in that none of the members of the Green Door live at the site. Moreover, as the Board has previously found in earlier orders involving this Applicant and this same allegation, that the proper procedure would have been for RAC to appeal the decision of the Zoning Administrator. Based upon the evidence and testimony and as found by the Board in its prior orders, the Board finds that the Applicant in this case is proceeding under the proper section of the Zoning Regulations. In addition, the Board has previously found and concluded that it is authorized to permit use of the seven parking spaces at the church by the Green Door. As to the issue of the completeness of the record, the Board, after conferring with staff, found that the record was complete and available for public inspection prior to the public hearing.

2. The site, known as premises 1623 - 16th Street, is located at the northwest corner of the intersection of 16th Street and Corcoran Streets. The site is located in the R-5-C District.

3. The site has a land area of approximately 5,500 square feet and is rectangular in shape with a frontage of 50 feet along 16th Street and a depth of 110 feet. A 20 foot wide public alley is located to the rear of the site. The site is improved with the historic Werlich Mansion, which contains approximately 11,059 square feet of gross floor area. It is a three story brownstone building that was constructed in 1886. It was designed and built as a single family residence.

4. In Board of Zoning Adjustment Order No. 14123, dated April 23, 1985, the Board granted the use of the premises to the lessee, the Green Door, a nonprofit organization, for a period of two years, terminating on April 23, 1987. Condition No. 4 provided that the applicant should provide seven off-street parking spaces at 1425 V Street, N.W.

5. The application is for continued use of the property by the Green Door, which is a private, nonprofit organization founded in 1977 as a rehabilitation program for former and present mental hospital patients. The Green Door has leased the site since 1978. Members of the Green Door are adults who come from diverse economic, educational and racial backgrounds. A majority do not have supportive family ties and one-third have never held a job. The Green Door offers a comprehensive matrix of services including pre-vocational, job placement and housing programs. Members are given an opportunity to gain skills, self-confidence and the motivation they need to obtain jobs, friends, and decent housing as a means toward preventing rehospitization. Housing is not provided at the site.

6. There are 20 full-time employees at the site. Approximately 80 members of the Green Door visit the site at any one time on weekdays between the hours of 9:00 A.M. and 2:00 P.M. The members use public transportation. Approximately seven to nine employees presently commute by automobile to the site. Five of these employees park at the lot at 1419 V Street, N.W. and the others park in commercial parking lots. The remaining employees either walk or use public transportation. The employees who do drive are instructed not to park in residential neighborhoods.

7. The Green Door presently conducts socialization skills meetings with past and present members in the afternoons and early evenings on weekends. The site is also used for approximately one hour on occasional Saturdays to conduct field trips.

8. No major exterior modifications will be made to the structure.

9. No articles will be created, exchanged or sold to the public on the premises.

10. As the structure is a historic landmark, no parking spaces are required, pursuant to Section 7201.21 (2100.5, DCMR 11). The applicant will continue to contract with St. Augustine Parish for seven parking spaces at 1419 V Street, N.W., for use by the employees of the lessee.

11. The Werlich Mansion has a lot occupancy of approximately 86 percent, which effectively precludes the provision of parking spaces on the site with direct access to either a street or alley. The structure extends from lot line to lot line, from its 16th Street frontage to the east where it is abutted by an alley, and provides only a seven foot side yard to the north. There is no parking space available on any adjacent lot to the site, or on any lot separated from the site by an alley.

12. The seven accessory spaces to be located at 1419 V Street, N.W. are approximately ten minutes away in walking distance from the subject site and will accommodate the needs of the few Green Door employees who must drive to work. There will be no fee charged to the staff for the use of the spaces.

13. The operation of the Green Door and its use of the accessory parking at 1419 V Street, N.W. does not cause parking problems or adverse traffic conditions for the neighborhood.

14. The Green Door has implemented numerous outreach programs intended to build good relations with its neighbors. These programs include annual open houses to acquaint the community with its programs, personal invitations to all neighbors within a two block radius to visit the site, tours of the building and the program for the neighbors, and lunches with several neighbors at the site to observe the program in action. The Dupont Circle Citizens Association has held its annual Christmas party on the site almost every year. In addition, the Green Door has also strived to improve the neighborhood by having its staff and members participate in the Seventeenth Street Merchants Association Clean-Up Day. The Green Door has also done much to make its own building and site an asset to the community. They have landscaped the front yard of the site, and have done extensive renovation of the site.

15. The Office of Planning, by memorandum dated April 15, 1987, recommended approval of this application. The

Office of Planning finds the following: use of the subject premises not changed from previous approvals; the area contains a mixture of uses; the Green Door has coexisted in the neighborhood for the last nine years; the structure's lot occupancy precludes the provision of on-site parking, and; the the Green Door has obtained parking at the closest practicable location. The Board concurs with the findings and recommendation of the Office of Planning.

16. The Department of Human Services by letters dated April 8 and 21, 1987, recommended approval of the application. The Department of Human Services noted that the Green Door provides an excellent psychological rehabilitation program, and that the site is centrally located and is on an excellent transportation route.

17. The Mental Health System Reorganization Office of the D.C. Department of Human Services, by letter dated April 7, 1987, recommended approval of this application. The Mental Health System Reorganization Office noted that the Green Door is an outstanding program and that the staff of the Green Door is responsive to both its members and its neighbors.

18. The Office of the Coordinator for Community Based Residential Facilities of the Office of the City Administrator, Deputy Mayor for Operations, by letter dated April 9, 1987, recommended approval of this application, noting that the Green Door's contributions to the community warrant high commendation.

19. By letter dated April 15, 1987, Advisory Neighborhood Commission (ANC) 2B in which the site is located, recommended approval of the application conditioned on a five year time limit.

20. By letter dated April 16, 1987, the ANC Commissioner for Single Member District 2B05 recommended approval without a time limit.

21. By letter dated April 15, 1987, ANC 1B recommended approval of the application.

22. By letter dated April 22, 1987, the Dupont Circle Citizens Association recommended approval of the application.

23. Councilmembers John A. Wilson (Ward 2) and H.R. Crawford (Ward 7), by letters dated April 16 and April 17, 1987, respectively, recommended approval of this application.

24. Numerous residents of the area and other groups testified at the public hearing or submitted letters to the record in support of the application.

25. A number of the Residential Action Coalition testified in opposition to the application. Reasons for the opposition include that the balance of residential use in the area is already threatened by the existence of non-residential uses in the general R-5-C area. The Board finds that the applicant is seeking a special exception for uses which are predeemed potentially compatible with uses in the R-5-A and R-5-B Districts.

CONCLUSIONS OF LAW AND OPINION:

Based on the findings of fact and the evidence of record, the Board concludes that the applicant is seeking two special exceptions. The applicant must prove that it has complied with the requirements of Sub-section 3101.42 (216.1, DCMR 11) and Sub-section 7205.4 (2116.5, DCMR 11), as well as Sub-section 8207.2 (3108.1, DCMR 11) of the Zoning Regulations. The Board concludes that the applicant has met its burden of proof. The property is listed on the District of Columbia Inventory of Historic Sites, exceeds the minimum gross floor area and will be used by a nonprofit organization in a manner, as conditioned below, that would not adversely affect the use of neighboring properties. The number and arrangement of parking spaces appear adequate for the use and there is not expected to be a significant traffic impact on the adjacent neighborhood. Such proposed use does not involve the creation, exchange or sale of commercial goods. No major modifications or additions are proposed to the exterior of the site. The proposed tenant will not have an adverse effect on neighboring properties.

The Board further concludes that the dimensions of the site and structure located on the site make it physically impossible to provide parking spaces on the site without a modification to the subject structure. The Board concludes that the applicant has obtained parking at the closest practicable location to the site.

The Board concludes that the application, as conditioned below, can be granted without substantial detriment to the public good and without impairing the intent, purpose, and integrity of the zone plan. The Board further concludes that it has afforded to the ANC the "great weight" to which it is entitled.

Accordingly, it is ORDERED that the application is GRANTED SUBJECT to the following CONDITIONS:

1. Operation of the facility shall be limited to the lessee, the Green Door, Inc.
2. No vehicles shall be parked on site or in the alley.

3. Seven parking spaces shall be provided for the use of the Green Door at 1419 V Street, N.W. The applicants shall make arrangements with St. Augustine Church to be given six months notice of any intention to discontinue the lot. The applicants shall reapply to this Board within thirty days of receipt of such notice to request an alternative parking solution.
4. The Green Door shall maintain the site and the adjacent public space on a daily basis to keep it free from litter and other debris. A daily log of such maintenance shall be kept by the Green Door and shall be available for inspection by the public upon request.
5. The Green Door shall locate its trash dumpster in the side yard with access from the public alley and shall arrange to have the trash removed twice a week or more often if needed.
6. The Green Door shall maintain a liaison program with the community that shall include attendance at local ANC meetings, provision of a 24 hour telephone number to the citizens that they may use in an emergency, and provision of the names and addresses of the current Board of Directors to affected parties including the Residential Action Coalition and the Dupont Circle Citizens Association.
7. The Green Door shall instruct present and future employees to utilize public transportation and the parking spaces provided at 1419 V Street, N.W. A list of automobiles by type, color and license plate number for all employees including volunteers shall be maintained by the Green Door and shall be available for inspection by the public upon request.
8. Employees of the Green Door shall not be allowed to park in residential permit parking areas.
9. The three vans used by the Green Door, Inc., shall be parked on the parking lot at 1419 V Street, N.W.
10. The Green Door staff shall give instructions to its members specifically related to proper behavior in public by the clients with particular emphasis on the concerns raised by neighbors of the Green Door.

11. The number of employees at the site shall be limited to twenty-five full-time employees. The number of members shall not exceed eighty per day. The number of volunteers shall not exceed twenty per day.
12. The hours of operation shall not exceed from 9:00 A.M. to 8:00 P.M., Monday through Friday, and from 9:00 A.M. to 5:00 P.M. on weekends and holidays.

VOTE: 5-0 (Charles R. Norris, Paula L. Jewell, William F. McIntosh and Carrie L. Thornhill to grant; Lindsley Williams to grant by proxy).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
EDWARD L. CURRY  
Executive Director

OCT 7 1987

FINAL DATE OF ORDER: \_\_\_\_\_

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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